

Notice of Allowability

Application No.

10/567,526

Examiner

Lindsay M. Low

Applicant(s)

BENZ, GOTTLIEB

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/8/2007.
2. ☒ The allowed claim(s) is/are 6-8 and 12-16.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 1/22/2007
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Charles Gagnebin on June 28th, 2007. The application has been amended as follows:

3. The claims have been amended as follows:

1. Cancelled
2. Cancelled
3. Cancelled
4. Cancelled
5. Cancelled

6. (Currently amended) A device according to claim 512[~~111~~], wherein each of the plurality of mandrels have the shape of pins which are rectangular in cross section and which are fastened on the plate and whose free ends converge conically in a rounded manner into a blunt tip.

7. (Previously presented) A device according to claim 6, wherein each of the plurality of mandrels in the region with a rectangular cross section are rounded on the longitudinal edges.

8. (Currently amended) A device according to claim 7, wherein each of the plurality of mandrels in the diagonal dimension are designed reducing_in dimension from the plane end on the plate side, to the free ends.

9. Cancelled

10. Cancelled

11. Cancelled

12. (Currently amended) A packing unit for transferring tubes into a container having a clear span, the tubes arriving continuously from a production line and formable into groups of tubes lying next to one another in a settable number by way of a grouping unit, the packing unit comprising:

a mandrel support having a plurality of mandrels arranged in at least two rows thereon, wherein the mandrel support is essentially a plate, which corresponds to the dimensions of the clear span of the container to be filled; and

a pull-off element by way of which the tubes can be simultaneously pushed from the plurality of mandrels into said container, wherein the pull-off element is a grate of flat ejection rods structured and arranged in parallel between adjacent rows of mandrels, and wherein the grate can be moved relative to the plate of the mandrel support.

13. (Previously presented) A packing unit for transferring tubes into a container having a clear span, the tubes arriving continuously from a production line and formable into groups of tubes lying next to one another in a settable number by way of a grouping unit, the packing unit comprising:

a mandrel support having a plurality of mandrels arranged in at least two rows thereon, wherein the mandrel support is essentially a plate having dimensions that correspond to the clear span of the container to be filled;

a pull-off element by way of which the tubes can be simultaneously pushed from the plurality of mandrels into said container, wherein the pull-off element comprises ejection rods; and

distancers that are structured and arranged between adjacent ejection rods, wherein the distancers are held laterally of the mandrel support plate on lateral carrier bars resting on a chassis plate, whilst the mandrel support plate is displaceable relative to the chassis plate so that the tubes can be pushed from the plurality of mandrels simultaneously.

14. (New) A device according to claim 13, wherein each of the plurality of mandrels have the shape of pins which are rectangular in cross section and which are fastened on the plate and whose free ends converge conically in a rounded manner into a blunt tip.

15. (New) A device according to claim 14, wherein each of the plurality of mandrels in the region with a rectangular cross section are rounded on the longitudinal edges.

16. (New) A device according to claim 15, wherein each of the plurality of mandrels in the diagonal dimension are designed reducing in dimension from the plane end on the plate side, to the free ends.

4. These changes are necessary to remedy minor informalities.

REASONS FOR ALLOWANCE

5. The following is an examiner's statement of reasons for allowance:
6. The primary reason for allowance of the claims is the inclusion of a grate of flat ejection rods with distancers between each rod wherein the grate moves relative to the mandrel support for pushing tubes off of the mandrels. This specific arrangement is not disclosed or taught in the prior art.
7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

CONCLUSION

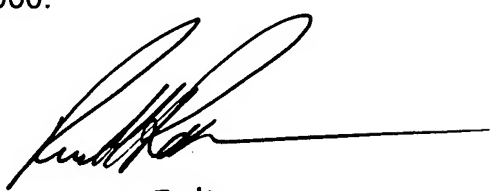
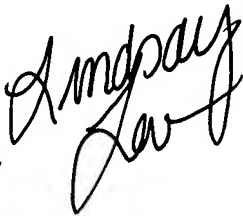
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lindsay M. Low whose telephone number is 571-272-1196. The examiner can normally be reached on Monday thru Friday 7:30 to 5:00.
9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LML

7/2/2007



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